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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA **OCT 15 1991**

SECOND APPELLATE DISTRICT

ROBERT N. WILSON Clerk

DIVISION THREE

CHURCH OF SCIENTOLOGY OF CALIFORNIA,	)	
	)	Case Nos. B025920 & B038975
Plaintiff-Appellant,	)	
	)	L.A. Superior Ct. No. C420153
and	)	
	)	
MARY SUE HUBBARD	)	APPLICATION FOR RELIEF
	)	FROM DEFAULT; DECLARATION
Intervenor-Appellant	)	OF GERALD ARMSTRONG
	)	
v.	)	
	)	
GERALD ARMSTRONG,	)	
	)	
Defendant-Respondent.	)	

10-21-91

Gerald Armstrong, defendant below, respectfully requests that pursuant to Rule 45 (e) of the California Rules of Court he be relieved from a default for failure to file his opposition to plaintiffs' motion to seal the record on appeal by the date ordered by this Court.

This application is supported by the declaration of defendant attached herewith.

Defendant's opposition was originally due September 23, 1991. He requested and was given an extension by this Court to file his opposition by October 3, 1991.

**COPY**

Defendant is proceeding pro se, is not an attorney, and has a full-time job unrelated to this case. This work has been very difficult and defendant is under a great deal of stress.

He has submitted his opposition herewith and asks that he be relieved from default for late filing and that his opposition be filed.

DATED: October 15, 1991

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Armstrong', written over a horizontal line.

Gerald Armstrong

PO Box 751  
San Anselmo, CA 94960  
(415)456-8450

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, state and declare:

1. I am the defendant and respondent in the case of Church of Scientology of California v. Gerald Armstrong, Los Angeles Superior Court No. C420153, and California Court of Appeal Nos. B025920 and B038975.

2. I am acting in propria persona in this case.

3. Appellants Church of Scientology of California and Mary Sue Hubbard have filed a motion in the Court of Appeal to seal the record on appeal in this case. The opposition was originally due to be filed September 23, 1991. I submitted an application for an extension to file the opposition by October 3, 1991, which this Court granted on September 27.

4. I have worked diligently to prepare the opposition and have on this date submitted it for filing.

5. I am not an attorney and cannot produce legal documents as rapidly as a competent attorney.

6. I have a full-time job and other vital activities in my life which have prevented my spending much time daily on preparation of the opposition.

7. I have been under a great deal of stress in the past two months relating to plaintiff organization's acts against me which has affected my work and life.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Anselmo, California this 15th day of October, 1991.

  
\_\_\_\_\_  
Gerald Armstrong

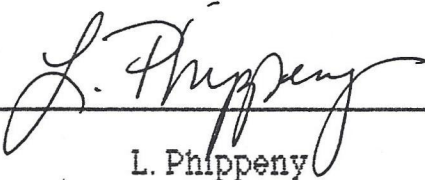
PROOF OF SERVICE BY MAIL

I am a resident of the County of Marin, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 711 Sir Francis Drake Blvd, San Anselmo, California 94960.

On October 15, 1991 I caused to be served the within APPLICATION FOR RELIEF FROM DEFAULT on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at San Anselmo, California, addressed to the persons and addresses specified on the service list attached.

Executed on October 15, 1991 at San Anselmo, California.

I declare that the foregoing is true and correct.

  
\_\_\_\_\_  
L. Phippeny

SERVICE LIST

(Application for Relief from Default)

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